

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

ROBERT EDWIN JACOBSEN
XXX-XX-2723
101 CN FREENVILLE ROAD
NO. 259
ALLEN, TX 75002

DEBTOR(S)

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CASE NO. 07-41092-R

CHAPTER 13

CHAPTER 13 TRUSTEE'S MOTION TO CONVERT CASE TO CHAPTER 7

TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY COURT:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW JANNA COUNTRYMAN, Trustee herein, and files this, her Motion to Convert Case to Chapter 7 in the above numbered and styled proceeding, and for cause would show the following:

1. The Debtor filed for voluntary relief under Chapter 13 of the Bankruptcy Code on May 25, 2007.
2. The Trustee now moves to convert this case to Chapter 7 based upon the following two grounds.

3. First, the Debtor does not qualify for relief under Chapter 13. Both unsecured debts and secured debts exceed the limits of Chapter 13 pursuant to 11 U.S.C. § 109(e).

4. The Debtor lists a debt to John and Bernadette Sramek of \$1,627,536.38. The Debtor claims this debt is undisputed and contingent.

5. The claim, however, is at least in part based on contract.

6. Furthermore, the only possible contingency had occurred prior to the filing of this case, so the debt is no longer contingent.

7. The Debtor lists \$613,717.54 in secured debt, but does not list any of the community debt on community real property purchased during his marriage recorded in the name of his wife.

8. The case should also be converted pursuant to 11 U.S.C. 1307 for cause.

9. The Debtor failed to disclose any of the community real property in his wife's name purchased during the marriage with community income.

10. Although the Debtor listed his wife as a spouse in the Statement of Financial Affairs, he misspelled her name. A search of property records would not show any real estate owned by her.

11. There are at least six real properties in his wife's name.

12. The Debtor acknowledges that his wife is in the process of selling at least one of the properties, but refused to agree not to sell assets until the Bankruptcy Court could determine that they were property of the estate pursuant to 11 U.S.C. § 541.

13. The Debtor has also been involved in several companies, some of which have been involved in large transfers, including a 60-foot yacht. The Debtor, or his companies, and his wife also have large transactions with a Belize company, the ownership of which is unclear.

14. The Debtor also lists several non-exempt assets with unknown value, and several non-exempt causes of action.

15. A Chapter 13 Trustee is not a party that can collect and liquidate assets.

16. The Debtor lists \$3,479,784.56 in general unsecured debt and proposes a plan to pay unsecured creditors \$27,000.00, or less than 1% of the claims.

17. The case should be converted to Chapter 7 to allow a Chapter 7 Trustee to collect assets and reduce them to money for a more meaningful distribution to unsecured creditors.

WHEREFORE PREMISES CONSIDERED, the Trustee moves that this case be converted to a case under Chapter 7 of the Bankruptcy Code and for other relief that may be just.

Respectfully submitted,



Janna L. Countryman, TBN 04888050
Greg R. Armove, TBN 00783562
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CERTIFICATE OF SERVICE


This is to certify that a true and correct copy of the foregoing Chapter 13 Trustee's Motion to Convert Case to Chapter 7 has been served upon the following parties in interest on or before the date set forth below by electronic mail and/or by mailing a copy of same to them via first class mail. If no address is listed, no notice was sent to that party.

ROSSINI & WAGNER PC
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ROBERT EDWIN JACOBSEN
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and to the parties on the attached mailing matrix.

Dated 8/2/07



Office of the Standing Chapter 13 Trustee

CASE NUMBER: 07-41092-R

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